IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31761 of 2007(F)

PETITIONER:
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1. RARICHAN GEORGE, S/O. GEORGE,
KUZHIKUTHIYANIYIL HOUSE, KANCHIYAR KARA,
KATTAPPANA VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT-685511.

2. P.M. JOSE, S/O. MATHEW,
PAYYANICKAL HOUSE, CHAKKULAM KARA,
UDUMBANCHOLA, IDUKKI DISTRICT-685518,

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:
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1. THE COMMISSIONER OF EXCISE,
OFFICE OF THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

2. THE ASST. EXCISE COMMISSIONER OF
EXCISE IDUKKI, OFFICE OF THE ASST.EXCISE
COMMISSIONER, THODUPUZHA IDUKKI DISTRICT.

3. THE EXCISE INSPECTOR,
EXCISE OFFICE, KATTAPPANA-685511.

4. SAJI PHILIP, S/O. PHILIP,
KADUKUNNEL HOUSE, KATTAPPANA P.O.,
IDUKKI DISTRICT-685511.

BY GOVT. PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No.31761 OF 2007

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Dated this the 25th day of October , 2007

JUDGMENT

Petitioners have approached this court seeking a direction to the first respondent to consider Ext.P6 and also dispose of the proceedings initiated as per Ext.P5 order within a stipulated time. A direction is also sought to respondents 1 to 3 not to entrust the conducting of toddy shop to any other person. Ext.P5 is the order dated 25/09/2007 which purports to be a show cause to the petitioners as to why their lincence should not be cancelled. By Ext.P5 the licence of toddy shop is suspended also. Petitioners submitted Ext.P6 explanation. It is submitted by the counsel for the petitioners that petitioners have not been heard in the matter. I feel that a decision should be taken on Ext.P6 by the first respondent at the earliest particularly as the licence is suspended.

I heard learned Government Pleader also. The writ petition is disposed of as follows:

The petitioners or their representatives shall be present before the first respondent on 30/10/2007 at 11:00a.m. The first

respondent shall proceed to consider Ext.P6 and hear them and take a decision in the matter in accordance with law within a period of ten days from 30/10/2007. This judgment is conditional upon the first respondent not having already taken a decision in the matter.

(K.M.JOSEPH, JUDGE)

sv.